

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AXEL RIVERA RODRIGUEZ,	:	
Plaintiff	:	No. 1:21-cv-00343
	:	
v.	:	(Judge Kane)
	:	
SGT. CLINE, et al.,	:	
Defendants	:	

ORDER

AND NOW, on this 3rd day of December 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' partial motion to dismiss (Doc. No. 14) is **GRANTED**;
2. Plaintiff's claims against Defendants Seibert and Briggs are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted;
3. Plaintiff's request for injunctive relief is **DISMISSED WITHOUT PREJUDICE** as moot;
4. Plaintiff may file an amended complaint within thirty (30) days of the date of this Order to correct the deficiencies identified in the accompanying Memorandum. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise, and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims;
5. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and

6. If Plaintiff fails to file an amended complaint within thirty (30) days of the date of this Order, the original complaint shall remain the operative pleading and this case shall proceed as to Plaintiff's claims against Defendant Cline only.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania